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SECRETARY OF THE COUNTY

ORDINANCE NO. 93-23

AN ORDINANCE CREATING A MUNICIPAL SERVICE BENEFIT UNIT TO BE KNOWN AS THE "DEERFIELD (QUAIL MEADOWS) MUNICIPAL SERVICE BENEFIT UNIT"; PROVIDING FOR THE PURPOSE OF THE UNIT; PROVIDING FOR THE CREATION, MAINTENANCE AND OPERATION OF A STREET LIGHTING SYSTEM WITHIN SAID UNIT; PROVIDING FOR THE ADOPTION OF RULES AND REGULATIONS FOR THE OPERATION OF SAID UNIT; PROVIDING THAT SAID UNIT SHALL BE UNDER THE CONTROL OF THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY; PROVIDING FOR THE ADMINISTRATION OF SAID UNIT; PROVIDING FOR THE LEVY OF AN EQUITABLE PER LOT ASSESSMENT; PROVIDING A METHOD OF LEVY, COLLECTION AND ENFORCEMENT OF AFORESAID ASSESSMENT; PROVIDING FOR INCLUSION IN THE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE

RECEIVED, FILED AND
INDEXED
JAN 16 1994

BE IT ORDAINED by the Board of County Commissioners of Hernando County, Florida, as follows:

SECTION I. FINDINGS OF FACT AND PURPOSE

It is hereby found by the Board of County Commissioners of Hernando County, Florida, that street lighting is an essential service for the benefit of the health, safety and welfare of the public. It is further the finding of the Board of County Commissioners that the Legislature has in Section 125.02(1)(q), Florida Statutes, provided for the creation of municipal service benefit units as a taxing vehicle to grant to all counties that taxing flexibility to levy special service charges within the limits fixed for municipal purposes for the furnishing of municipal services within those areas receiving the benefit of such municipal services in order to solve the controversy of double taxation between residents of the incorporated and unincorporated areas. It is the purpose of this Ordinance to create a County Municipal Service Benefit Unit for the purpose of providing a street lighting system within the boundaries of said unit.

SECTION II. CREATION OF UNIT

For the purpose of creating, establishing, maintaining, and operating a lighting system within the area described herein, there is hereby created a Municipal Service Benefit Unit to be known as the "DEERFIELD (QUAIL MEADOWS) MUNICIPAL SERVICE BENEFIT UNIT" which shall be all the property

KAREN NICOLAI, CLERK
HERNANDO COUNTY, FL

located in Hernando County, Florida, within the boundaries described in Exhibit "A", attached hereto and made a part hereof by reference.

SECTION III. GOVERNING BODY

The Governing Body of the **DEERFIELD (QUAIL MEADOWS) MUNICIPAL SERVICE BENEFIT UNIT** shall be the Board of County Commissioners of Hernando County, Florida.

SECTION IV. ADMINISTRATION

A. The **DEERFIELD (QUAIL MEADOWS) MUNICIPAL SERVICE BENEFIT UNIT** shall be administered in accordance with the policies and procedures adopted by the Board of County Commissioners for the administration of all County departments, divisions and operations.

B. The **DEERFIELD (QUAIL MEADOWS) MUNICIPAL SERVICE BENEFIT UNIT** shall have the following duties:

1. To establish, maintain and operate such lighting system as is necessary to implement the purpose of this Ordinance.
2. To provide a lighting system to improved and unimproved property within the benefitted area.

C. The County Administrator shall be responsible for administering the **DEERFIELD (QUAIL MEADOWS) MUNICIPAL SERVICE BENEFIT UNIT** for the following to the extent necessary to implement the purpose of this Ordinance:

1. Negotiate and recommend to the Board of County Commissioners contracts for providing specific maintenance services.
2. Negotiate and recommend to the Board of County Commissioners contracts for the purchase of such capital equipment as necessary.
3. Establish rules and regulations for the administration of the unit, not inconsistent with County policy or administrative rule.

4. Negotiate contracts with power companies for the purpose of providing a lighting system.
5. Hire such personnel as are necessary to implement the purposes of this Ordinance.
6. Perform such other acts as are necessary to implement the purposes of this Ordinance to the extent consistent herewith.

D. The powers to be exercised by the **DEERFIELD (QUAIL MEADOWS) MUNICIPAL SERVICE BENEFIT UNIT** are specifically made subject to all applicable State and County laws.

SECTION V. ASSESSMENTS, LEVY AND LIEN PROVISIONS

It being recognized that the value of the benefits accrued by virtue of this Ordinance directly benefits equally all lots, tracts, parcels, cooperative parcels and condominium parcels within the Unit, the County Commission is hereby authorized to levy an annual service charge against each lot, tract, parcel, cooperative parcel and condominium parcel within the unit for the purposes set forth herein. The service charge imposed hereunder shall constitute a lien on all real property of the unit as of the date ad valorem taxes become liens. Unless fully paid and discharged or barred by law, said annual service charges shall remain liens equal in rank and dignity with the lien of County ad valorem taxes and superior in rank and dignity to all other liens, encumbrances, titles and claims in, to or against the real property involved. If the annual assessment levied on a lot is not paid, a Tax Certificate pertaining to the lot will be sold by the Tax Collector as set forth in Chapter 197, Florida Statutes.

SECTION VI. REPEAL

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION VII. INCLUSION IN THE CODE

It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the

provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "Ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION VIII. SEVERABILITY

It is declared to be the intent of the Board of County Commissioners of Hernando County, Florida, that if any section, subsection, clause, sentence, phrase or provision of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

SECTION IX. EFFECTIVE DATE

A certified copy of this Ordinance shall be filed in the Office of the Secretary of State by the Clerk of the Board within ten (10) days after adoption of this Ordinance, said Ordinance shall take effect on October 1, 1994, inclusive.

ADOPTED this 14th day of December, 1993, A.D.

BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA

By: *Anthony G. Mosca, Jr.*
ANTHONY G. MOSCA, JR.
CHAIRMAN

Attest:
Karen Nicolai
KAREN NICOLAI, CLERK



LEGAL DESCRIPTION FOR DEERFIELD (QUAIL MEADOWS)
STREET LIGHTING MUNICIPAL SERVICE BENEFIT UNIT

PARCEL 1

A parcel of land lying in the Northwest 1/4 and Southwest 1/4 of Section 13, Township 23 South, Range 18 East, Hernando County, Florida, and more particularly described as follows:

Quail Meadows, Phase 1, according to the plat as recorded in Plat Book 18, Pages 77 through 79, of the Public Records of Hernando County, Florida, less Lots 1 through 12, inclusive, Block 1;

TOGETHER WITH

PARCEL 2

A parcel of land lying in the Northwest 1/4 and the Southwest 1/4 of Section 13, Township 23 South, Range 18 East in Hernando County, Florida, more particularly bounded and described as follows:

Commencing at the Northwest corner of Section 13, Township 23 South, Range 18 East (as marked by a 2" Iron Pipe) thence go South 89°48'25" East, a distance of 1322.65 feet to the Point of Beginning; thence continue South 89°48'25" East along the North line of Section 13, Township 23 South, Range 18 East for a distance of 1322.67 feet (to an iron rod) being the North 1/4 corner of Section 13, Township 23 South, Range 18 East, thence go South 00°15'47" West along the 1/4 section line of Section 13, Township 23 South, Range 18 East for a distance of 3970.41 feet to a 4" X 4" concrete marker on the South line of the North 1/2 of the Southwest 1/4 of Section 13, Township 23 South, Range 18 East, and being the North Right-of-Way of Spring Hill Boulevard (a 60' street). (This course passed a 4" X 4" concrete marker at 20.65 feet); thence go North 89°56'22" West along said South line of North 1/2 of Southwest 1/4 of Section 13, Township 23 South, Range 18 East for a distance of 1326.40 feet to a point; thence go North 00°19'00" East for a distance of 3973.47 feet to the Point of Beginning on the North line of Section 13, Township 23 South, Range 18 East. (This last course passes a 4" X 4" concrete marker at 2651.44 feet and at 3952.83 feet). There is excepted from this tract a 20.65 foot strip of land, on the North boundary now being occupied by a public road known as Powell Road.

LESS THE FOLLOWING:

Commencing at the Northwest corner of said Section 13 run thence South 00°21'09" West along the West line of said Section 13 a distance of 2646.03 feet to the West 1/4 corner, continue thence along said West line South 00°21'53" West a distance of 1330.52 feet to the South line of the North 1/2 of the Southwest 1/4 of said Section 13; thence run along said South line South 89°56'22" East, a distance of 2301.89 feet; thence leaving said South line run North 00°03'38" East a distance of 18.24 feet to the Northerly right-of-way of Spring Hill Drive and the Point of Beginning; thence continue North 00°03'38" East a distance of 400.00 feet to the Southerly right-of-way of a 60 foot street; thence run along said Southerly right-of-way South 89°56'22" East a distance of 301.41 feet to the Westerly right-of-way of a 100 foot street (50' on this project); thence run South 00°15'47" along said Westerly right-of-way a distance of 400.00 feet to the Northerly right-of-way of Spring Hill Drive; thence run North 89°56'22" West along said Northerly right-of-way a distance of 300.00 feet to the Point of Beginning.

LESS THE FOLLOWING:

LESS that portion conveyed to Hernando County by that certain Quit Claim Deed recorded in Official Records Book 495, page 401 of the Public Records of Hernando County.

LESS THE FOLLOWING:

The South 460.00 feet, excepting therefrom that portion of Quail Meadows Phase I, as recorded in Plat Book 18, pages 77, 78 and 79 inclusive, of the Public Records of Hernando County, Florida, that may encroach along the Westerly portion of the South 460.00 feet.

LESS THE FOLLOWING:

LESS the 80 foot encroachment of California Street.

TOGETHER WITH:

Parcel 3

A parcel of land lying in the Northwest 1/4 and Southwest 1/4 of Section 13, Township 23 South, Range 18 East, Hernando County, Florida, and more particularly described as follows:

Commencing at the Northwest corner of Section 13, Township 23 South, Range 18 East thence go South 89 48' 25" East, a distance of 661.37 feet, thence go South 00 19' 50" West a distance of 1322.72 feet, thence go South 89 51' 57" East for a distance of 661.60 feet, thence go South 00 19' 03" West for a distance of 289.99 feet, thence go North 89 41' 00" West a distance of 548.56 feet, thence go to the point on a curve to the left with a radius of 446.44 feet, and a Delta angel of 90 00' 00" and an arc length 701.27, thence go south 00 19' 00" West a distance of 55 feet, thence north 89 41' 00" west a distance of 328.96 feet, thence north 00 21' 09" east a distance of 2110.62 feet to the Point of Beginning.

